

**VALENTI LAW APC**

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

RAUL URIARTE-LIMON,

Plaintiff,

vs.

STARBUCKS CORPORATION, a  
Washington corporation; 4480 HOLT  
BLVD. MONTCLAIR, LLC, a limited  
liability company; and DOES 1-10,

Defendants.

Case No.:

COMPLAINT FOR:

DENIAL OF CIVIL RIGHTS AND  
ACCESS TO PUBLIC FACILITIES  
TO PHYSICALLY DISABLED  
PERSONS IN VIOLATION OF THE  
AMERICANS WITH DISABILITIES  
ACT OF 1990, (42 U.S.C. §12101, *et*  
*seq.*) AND THE UNRUH CIVIL  
RIGHTS ACT, (CALIFORNIA CIVIL  
CODE §51, *et seq.*)

DEMAND FOR JURY TRIAL



1 amend when the true names, capacities, connections, and responsibilities of the  
2 Defendants and Does 1 through 10, inclusive, are ascertained.

3 4. Defendants own and owned the property located at 4480 Hold Blvd,  
4 Montclair, CA 91763 (“Subject Property”) at all relevant times.

5 5. Defendants operate and operated a coffee shop doing business as  
6 STARBUCKS (“coffee shop”), located at the Subject Property, at all relevant  
7 times.

8 6. Plaintiff alleges that the Defendants have been and are the owners,  
9 franchisees, lessees, general partners, limited partners, agents, trustees, employees,  
10 subsidiaries, partner companies and/or joint ventures of each of the other  
11 Defendants, and performed all acts and omissions stated herein within the course  
12 and scope of such relationships causing the damages complained of herein.

## 13 **II. JURISDICTION AND VENUE**

14 7. This Court has subject matter jurisdiction over this action pursuant to  
15 28 U.S.C. §1331 and §1343(a)(3) and (a)(4) for violations of the Americans with  
16 Disabilities Act of 1990, U.S.C. §12101, *et seq.*

17 8. Pursuant to supplemental jurisdiction, an attendant and related cause  
18 of action, arising out of the same nucleus of operative facts and arising out of the  
19 same transactions, is also brought under California’s Unruh Civil Rights Act,  
20 which expressly incorporates the Americans with Disabilities Act.

21 9. Venue is proper in this court pursuant to 28 U.S.C. U.S.C. §1391(b)  
22 and is founded on the fact that the real property which is the subject of this action  
23 is located in this district and that Plaintiff’s causes of action arose in this district.

## 24 **III. FACTS**

25 10. Plaintiff uses a wheelchair for mobility.

26 11. Defendants’ business is open to the public, a place of public  
27 accommodation, and a business establishment.  
28

12. Plaintiff went to the coffee shop on March 22, 2024 to and purchased a meal. The receipt he received for his purchase is shown in the photo below.



13. Unfortunately, during Plaintiff's visit, Defendants did not offer persons with disabilities equivalent facilities, privileges, advantages, and accommodations offered to other persons.

14. Plaintiff encountered barriers that interfered with and denied Plaintiff the ability to use and enjoy the goods, services, privileges, advantages, and accommodations offered by Defendants at the Subject Property.

15. These barriers violate one or more standards of the Americans with Disabilities Act ("2010 ADA") and/or the California Building Codes ("2022 CBC").

16. Parking for patrons visiting the Subject Property is among the facilities, privileges, advantages, and accommodations offered by Defendants.

1           17. According to the U.S. Department of Justice, “a public  
2 accommodation’s first priority should be to enable individuals with disabilities to  
3 physically enter its facility. This priority on ‘getting through the door’ recognizes  
4 that providing physical access to a facility from public sidewalks, public  
5 transportation, or parking is generally preferable to any alternative arrangements in  
6 terms of both business efficiency and the dignity of individuals with disabilities.”  
7 ADA Title III Technical Assistance Manual §III-4.4500.

8           18. When parking is provided, there must be at least one accessible  
9 parking space designated and marked for disabled persons. Where more than one  
10 parking facility is provided on a site, the number of accessible spaces provided on  
11 the site shall be calculated according to the number of spaces required for each  
12 parking facility. 2010 ADA §502 et seq.; 2010 ADA §208.2; 2022 CBC 11B-502  
13 et seq; 2022 CBC 11B-208.2.

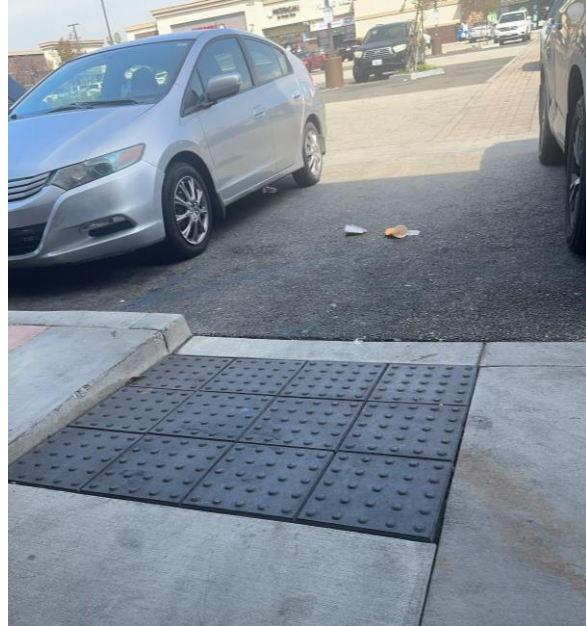
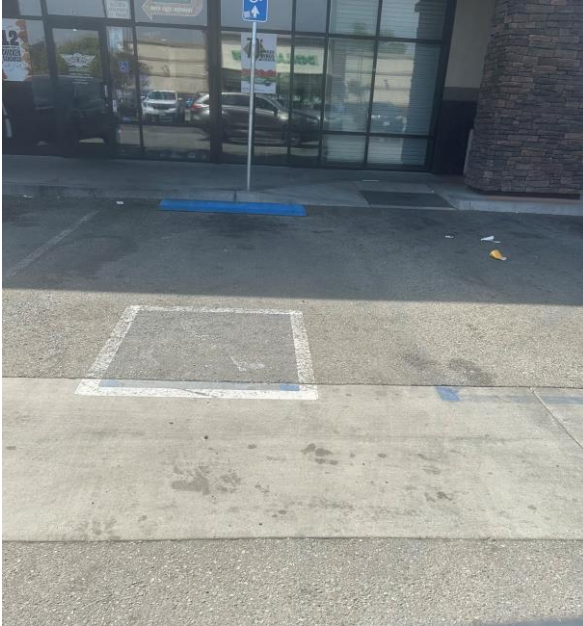
14           19. However, there is no accessible parking for disabled persons at the  
15 Subject Property because there are insufficient accessible parking spaces  
16 designated for disabled persons and/or the existing designated space or spaces are  
17 significantly noncompliant with the applicable ADA and CBC standards.

18           20. The paint used for the ostensibly designated accessible parking space  
19 and adjacent access aisle was badly faded and cannot be clearly seen. There is no  
20 way to determine the actual dimensions of the space and whether the adjacent  
21 loading and unloading access aisle is the correct width for an accessible space. The  
22 International Access Symbol was so faded and worn it cannot be clearly identified.  
23 ADA 2010 §502.3.3; ADA 2010 §502.6; 2022 CBC 11B-502.3.3; 2022 CBC 11B  
24 502.6; 28 C.F.R. §36.211(a); 2022 CBC 11B-108.

25           21. The ostensibly designated accessible parking space’s adjacent access  
26 aisle did not say “No Parking,” or the paint is so faded it cannot be clearly  
27 identified. ADA 2010 §502.3.3; 2022 CBC 11B-502.3.3; 28 C.F.R. §36.211(a);  
28 2022 CBC 11B-108.

22. There is no ADA compliant parking signage. ADA 2010 §502.6; 2022 CBC 11B-502.6, 2022 CBC 11B-703.7.2.1.

23. The photos below show one or more of these violations.



24. The barriers existed during Plaintiff's visit to the Subject Property. Plaintiff personally encountered these barriers.

25. These inaccessible conditions and barriers denied Plaintiff full and equal access and caused him difficulty, discomfort, and embarrassment. Because of the lack of compliant parking, Plaintiff was placed at risk of being blocked in by other vehicles and unable to get out of his vehicle or get back into it. He was also at greater risk of being hit by a car while transferring to and from his wheelchair.

26. These barriers denied Plaintiff full and equal access due to his disability because, *inter alia*, they caused Plaintiff anxiety, difficulty, discomfort, and embarrassment which patrons who do not use a wheelchair for mobility do not suffer when they access the Subject Property.

27. Plaintiff intends to return to the Subject Property in the near future. Plaintiff is currently deterred from returning because of the knowledge of the barriers to equal access that relate to Plaintiff's disabilities which continue to exist



1 at Defendants’ public accommodation facilities. Plaintiff is proud to be an ADA  
2 tester who engages in the “necessary and desirable” task of bringing serial lawsuits  
3 in order to ensure that the accessibility standards of Title III of the ADA are  
4 enforced. (The Ninth Circuit has repeatedly commented that “it may be necessary  
5 and desirable for committed individuals to bring serial litigation advancing the  
6 time when public accommodations will be compliant with the ADA. . . .[A] system  
7 that relies on private attorneys general should respect and value the work done by  
8 those who take up the mantle . . . rather than expecting every disabled person to  
9 use whatever spare time and energy they have to litigate each trip to the movies.”  
10 *Langer v. Kiser*, 57 F.4th 1085, 1095, 1099 (9th Cir. 2023) (citations omitted)).

11 28. Though Plaintiff has filed numerous cases, the total number of  
12 businesses he has sued represents a very small fraction of the approximately 3  
13 million public accommodations in the State of California alone which are required  
14 to be accessible to disabled people pursuant to ADA and CBC standards.

15 29. As a tester, Plaintiff visits properties in part to identify potential ADA  
16 and CBC violations, and revisits the properties to confirm ADA and CBC  
17 compliance after any lawsuit he brings regarding the violations is resolved. He  
18 therefore has a credible intent to return to the Subject Property in the near future in  
19 order to accomplish this task, and in the meantime is also currently deterred from  
20 returning because of the knowledge of the barriers to equal access that relate to his  
21 disabilities which continue to exist at the Subject Property. This accords with well-  
22 settled Ninth Circuit precedent which provides that a Title III ADA tester such as  
23 Plaintiff has Article III standing because “visiting a property to identify potential  
24 ADA violations is consistent with having a credible intent to return.” See, e.g.,  
25 *Langer v. Kiser*, at 1096 (citations omitted); See also, *Civil Rights Education and*  
26 *Enforcement Center v. Hospitality Properties Trust* (“CREEC”), 867 F.3d 1093  
27 (9th Cir. 2017).

1           30. Plaintiff also has Article III standing because, in addition to visiting  
2 the Subject Property to test for ADA and CBC violations, he also visited to eat a  
3 meal. The Subject Property is conveniently located and in the general area where  
4 he lives, shops, goes to medical appointments, visits family and friends, recreates,  
5 and does other normal activities in his daily life. Therefore, in addition to his  
6 concrete plan to return to the Subject Property to test for ADA and CBC  
7 compliance, Plaintiff also intends to return to the Subject Property in the near  
8 future to have a meal, after the accessibility barriers alleged herein have been  
9 removed.

10           31. Plaintiff alleges that Defendants knew that the barriers prevented  
11 equal access. Plaintiff further alleges that Defendants had actual or constructive  
12 knowledge that the architectural barriers prevented equal access, and that the  
13 noncompliance with the Americans with Disabilities Act and Title 24 of the  
14 California Building Code regarding accessible features was intentional.

15           32. Defendants have obstructed or failed to maintain, in working and  
16 useable conditions, those features necessary to provide ready access to persons  
17 with disabilities. “A public accommodation shall maintain in operable working  
18 condition those features of facilities and equipment that are required to be readily  
19 accessible to and usable by persons with disabilities.” 28 C.F.R. §36.211(a); 2022  
20 CBC 11B-108.

21           33. The State of California Department of General Servicers, Division of  
22 the State Architect (DSA) provides commentary to 2022 CBC 11B-108 as follows:

23           Features for accessibility must be permanently functional, unobstructed  
24 and may not be removed. It is not sufficient to provide features such as  
25 accessible routes, parking, elevators, ramps or signage if those features  
26 are not maintained in a manner that enables individuals with disabilities  
to use them.

27 DSA, 2019 California Access Compliance Advisory Reference Manual, p.84.  
28





1           38. Plaintiff alleges and incorporates by reference, as if fully set forth  
2 again herein, each and every allegation contained in all prior paragraphs of this  
3 complaint.

4           39. More than thirty years ago, the 101st United States Congress found  
5 that although “physical or mental disabilities in no way diminish a person’s right to  
6 fully participate in all aspects of society, yet many people with physical or mental  
7 disabilities have been precluded from doing so because of discrimination...in such  
8 critical areas as employment, housing, public accommodations, education,  
9 transportation, communication, recreation, institutionalization, health services,  
10 voting, and access to public services.” 42 U.S.C. §12101(a).

11           40. In 1990 Congress also found that “the Nation’s proper goals regarding  
12 individuals with disabilities are to assure equality of opportunity, full participation,  
13 independent living, and economic self-sufficiency for such individuals,” but that  
14 “the continuing existence of unfair and unnecessary discrimination and prejudice  
15 denies people with disabilities the opportunity to compete on an equal basis and to  
16 pursue those opportunities for which our free society is justifiably famous.” 42  
17 U.S.C. §12101(a).

18           41. In passing the Americans with Disabilities Act of 1990, which was  
19 signed into law by President George H. W. Bush on July 26, 1990 (hereinafter the  
20 “ADA”), Congress stated as its purpose:

21           “It is the purpose of this Act

22           (1) to provide a clear and comprehensive national mandate for the  
23 elimination of discrimination against individuals with disabilities;

24           (2) to provide clear, strong, consistent, enforceable standards  
25 addressing discrimination against individuals with disabilities;

26           (3) to ensure that the Federal Government plays a central role in  
27 enforcing the standards established in this Act on behalf of individuals  
28 with disabilities; and

(4) to invoke the sweep of congressional authority, including the power to enforce the fourteenth amendment and to regulate commerce, in order to address the major areas of discrimination faced day to-day by people with disabilities.”

42 USC §12101(b).

42. As part of the ADA, Congress passed “Title III – Public Accommodations and Services Operated by Private Entities” (42 U.S.C. §12181 *et seq.*). Title III of the ADA prohibits discrimination against any person “on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation.” 42 U.S.C. §12182(a).

43. The specific prohibitions against discrimination include, *inter alia*, the following:

- 42 U.S.C. §12182(b)(1)(A)(ii): “Participation in Unequal Benefit. - It shall be discriminatory to afford an individual or class of individuals, on the basis of a disability or disabilities of such individual or class, directly, or through contractual, licensing, or other arrangements, with the opportunity to participate in or benefit from a good, service, facility, privilege, advantage, or accommodation that is not equal to that afforded to other individuals.”
- 42 U.S.C. §12182(b)(2)(A)(ii): “a failure to make reasonable modifications in policies, practices, or procedures when such modifications are necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities...;”
- 42 U.S.C. §12182(b)(2)(A)(iii): “a failure to take such steps as may be necessary to ensure that no individual with a disability is excluded, denied service, segregated, or otherwise treated differently than other individuals because of the absence of auxiliary aids and services...;”

- 1 • 42 U.S.C. §12182(b)(2)(A)(iv): “a failure to remove architectural  
2 barriers, and communication barriers that are structural in nature, in  
3 existing facilities... where such removal is readily achievable;”
- 4 • 42 U.S.C. §12182(b)(2)(A)(v): “where an entity can demonstrate that  
5 the removal of a barrier under clause (iv) is not readily achievable, a  
6 failure to make such goods, services, facilities, privileges, advantages,  
7 or accommodations available through alternative methods if such  
8 methods are readily achievable.”

9 44. Plaintiff is a qualified individual with a disability as defined in the  
10 Rehabilitation Act and in the Americans with Disabilities Act of 1990.

11 45. The acts and omissions of Defendants set forth herein were in  
12 violation of Plaintiff’s rights under the ADA and the regulations promulgated  
13 thereunder, 28 C.F.R. Part 36 *et seq.*

14 46. The removal of each of the physical and policy barriers complained of  
15 by Plaintiff as hereinabove alleged, were at all times herein mentioned “readily  
16 achievable” under the standards of §12181 and §12182 of the ADA. Removal of  
17 each and every one of the architectural and/or policy barriers complained of herein  
18 was already required under California law. Further, on information and belief,  
19 alterations, structural repairs or additions since January 26, 1993, have also  
20 independently triggered requirements for removal of barriers to access for disabled  
21 persons per §12183 of the ADA. In the event that removal of any barrier is found  
22 to be “not readily achievable,” Defendants still violated the ADA, per  
23 §12182(b)(2)(A)(v) by failing to provide all goods, services, privileges, advantages  
24 and accommodations through alternative methods that were “readily achievable.”

25 47. On information and belief, as of the date of Plaintiff’s encounter at the  
26 premises and as of the filing of this Complaint, Defendants’ actions, policies, and  
27 physical premises have denied and continue to deny full and equal access to  
28 Plaintiff and to other mobility disabled persons in other respects, which violate  
Plaintiff’s right to full and equal access and which discriminate against Plaintiff on

1 the basis of his disabilities, thus wrongfully denying to Plaintiff the full and equal  
2 enjoyment of the goods, services, facilities, privileges, advantages and  
3 accommodations, in violation of 42 U.S.C. §12182 and §12183 of the ADA.

4 48. Defendants' actions continue to deny Plaintiff's rights to full and  
5 equal access and discriminated and continue to discriminate against him on the  
6 basis of his disabilities, thus wrongfully denying to Plaintiff the full and equal  
7 enjoyment of Defendants' goods, services, facilities, privileges, advantages and  
8 accommodations, in violation of the ADA, 42 U.S.C. §12182.

9 49. Further, each and every violation of the Americans With Disabilities  
10 Act of 1990 also constitutes a separate and distinct violation of California Civil  
11 Code §51(f), §52, §54(c) and §54.1(d), thus independently justifying an award of  
12 damages and injunctive relief pursuant to California law, including but not limited  
13 to Civil Code §54.3 and §55.

## 14 SECOND CAUSE OF ACTION

15 Violation of the Unruh Civil Rights Act

16 (California Civil Code §51, *et seq.*)

17 (Against All Defendants)

18 50. Plaintiff alleges and incorporates by reference, as if fully set forth  
19 again herein, each and every allegation contained in all prior paragraphs of this  
20 complaint.

21 51. California Civil Code §51 provides that physically disabled persons  
22 are free and equal citizens of the state, regardless of their medical condition or  
23 disability:

24 All persons within the jurisdiction of this state are free and equal, and  
25 no matter what their sex, race, color, religion, ancestry, national origin,  
26 **disability, or medical condition** are entitled to full and equal  
27 accommodations, advantages, facilities, privileges, or services in all  
business establishments of every kind whatsoever.

28 California Civil Code §51(b) (emphasis added).

1           52. California Civil Code §51.5 also states, in part: “No business,  
2 establishment of any kind whatsoever shall discriminate against...any person in  
3 this state on account” of their disability.

4           53. California Civil Code §51(f) specifically incorporates (by reference)  
5 an individual’s rights under the ADA into the Unruh Act.

6           54. California Civil Code §52 provides that the discrimination by  
7 Defendants against Plaintiff on the basis of his disability constitutes a violation of  
8 the general antidiscrimination provisions of §51 and §52.

9           55. Each of Defendants’ discriminatory acts or omissions constitutes a  
10 separate and distinct violation of California Civil Code §52, which provides that:

11           Whoever denies, aids or incites a denial, or makes any discrimination  
12 or distinction contrary to section 51, 51.5, or 51.6 is liable for each and  
13 every offense for the actual damages, and any amount that may be  
14 determined by a jury, or a court sitting without a jury, up to a maximum  
15 of three times the amount of actual damage but in no case less than four  
16 thousand dollars (\$4,000), and any attorney’s fees that may be  
17 determined by the court in addition thereto, suffered by any person  
18 denied the rights provided in Section 51, 51.5, or 51.6.

19           56. Any violation of the Americans with Disabilities Act of 1990  
20 constitutes a violation of California Civil Code §51(f), thus independently  
21 justifying an award of damages and injunctive relief pursuant to California law,  
22 including Civil Code §52. Per Civil Code §51(f), “A violation of the right of any  
23 individual under the Americans with Disabilities Act of 1990 (Public Law 101-  
24 336) shall also constitute a violation of this section.”

25           57. The actions and omissions of Defendants as herein alleged constitute a  
26 denial of access to and use of the described public facilities by physically disabled  
27 persons within the meaning of California Civil Code §51 and §52.

28           58. The discriminatory denial of equal access to and use of the described  
public facilities caused Plaintiff difficulty, discomfort, and embarrassment.





2. Retain jurisdiction over the Defendants until such time as the Court is satisfied that Defendants' unlawful policies, practices, acts and omissions, and maintenance of physically inaccessible public facilities and policies as complained of herein no longer occur, and cannot recur;

3. Award to Plaintiff all appropriate damages, including but not limited to actual and statutory damages according to proof;

4. Award to Plaintiff all reasonable attorney fees, litigation expenses, and costs of this proceeding pursuant to 42 U.S.C §12205 and California Civil Code §52; and

5. Grant such other and further relief as this Court may deem just and proper.

DATED: March 22, 2024

**VALENTI LAW APC**

By: /s/ *Matthew D. Valenti*

Matthew D. Valenti  
Attorney for Plaintiff  
Raul Uriarte-Limon

**JURY DEMAND**

Plaintiff hereby demands a trial by jury for all claims and issues for which a jury is permitted.

DATED: March 22, 2024

**VALENTI LAW APC**

By: /s/ Matthew D. Valenti

Matthew D. Valenti  
Attorney for Plaintiff  
Raul Uriarte-Limon